

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

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Atty Kruthers, Heather H., of County Counsel's Office (for Public Administrator)

Report of Successor Administrator of Insolvent Estate; Request for Discharge

DC	DD: 5/1/2004	PUBLIC ADMINISTRATOR, Successor Administrator, is	NEEDS/PROBLEMS/
		Petitioner.	COMMENTS:
		Petitioner states:	
		KIMBERLY HOLLABAUGH, former Administrator, was	
Сс	ont. from	removed by the Court on 8/28/2008; the Minute Order	
	Aff.Sub.Wit.	from that date includes that the Court directed that a copy of the minute order be mailed to Kimberly	
1	Verified	Hollabaugh;	
Ľ		There is no record that the Public Administrator was	
	Inventory	ever notified of his appointment; therefore, no Letters	
	PTC	of Successor Administration were issued.	
	Not.Cred.	According to the Inventory and Appraisal filed by the former administrator on 9/20/2004, the estate consisted	
1	Notice of	former administrator on 9/29/2004, the estate consisted of bank accounts, a savings bond, one parcel of real	
Ľ	Hrg	property and general personal property, totaling	
1	Aff.Mail W	\$218,062.16;	
Ě	/	Through investigation the Public Administrator was able	
	Aff.Pub.	to determine that the real property and furnishings	
	Sp.Ntc.	were sold, and the bank accounts were closed;The Court's docket provides information regarding	
	Pers.Serv.	several; creditor's claims and their dispositions (of six	
	Conf.	claims, two satisfactions were filed with the Court);	
	Screen	The Public Administrator has attempted to contact the	
	Letters	former administrator and the other 2 heirs, Patricia	
	Duties/Supp	Hollabaugh and Jeff Hollabough, but none of the 3	
	Objections	has returned calls or responded to letters;No assets exist from which to pay the remaining	
	Video	creditors, the Court, the former administrator's	
	Receipt	attorney, RICHARD HEMB , or the other 2 heirs; [Notice	
	CI Report	of Order Granting Attorney's Request to be Relieved as Counsel filed 7/22/20081;	
	9202	KIMBERLY HOLLABAUGH has breached her fiduciary	
1	Order	duty by misappropriating \$218,062.16 from the estate,	
Ė	Aff. Posting	and is therefore liable to the creditors, the Court, Mr.	Reviewed by: LEG
		Hemb, , Patricia Hollabaugh and Jeff Hollabough; The right to collect from KIMBERLY HOLLABAUGH is	
	Status Rpt	assigned to each of them;	Reviewed on: 2/24/14
	UCCJEA	Petitioner and his attorney waive all fees and	Updates:
	Citation	commissions; in addition, Petitioner requests to be	Recommendation:
	FTB Notice	discharged as administrator, as there are no assets; nor	File 1 – Hollabaugh
		does he expect to receive any.	
		~Please see additional page~	
		~Please see additional page~	

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Additional Page 1, Roy L. Hollabaugh (Estate)

Case No. 04CEPR00673

Petitioner prays for an Order:

- 1. Settling, allowing and approving the final report as filed; and all acts and proceedings of the Petitioner as successor administrator be confirmed and approved;
- 2. Finding that **KIMBERLY HOLLABAUGH** is personally liable to the creditors: American Ambulance, Citicorp Credit Service, Union Bank, and Providian c/o Phillips &Cohen, as well as to the Court, attorney Richard Hemb, and the other 2 beneficiaries, Patricia Hollabaugh and Jeff Hollabaugh, for the amount of **\$218,062.16**;
- 3. The administration of this estate be closed; and
- 4. The Public Administrator be discharged as administrator of the instant estate.

5A Case No. 13CEPR00389

Dale W. Balagno Revocable Trust

Armo, Lance E. (for Joseph Balagno – Beneficiary – Petitioner)

Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)

Kruthers, Heather (for Public Administrator) Atty Attý

Atty

Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

Status Hearing Re: Assets and Accounting

	Sidius Hedring Re. Assers and Accou	
	PUBLIC ADMINISTRATOR was appointed as	NEEDS/PROBLEMS/COMMENTS:
	Trustee pursuant to Minute Order 9-9-13.	
	The Court set this Status Hearing Re: Assets	OFF CALENDAR
	and Accounting.	
Cont. from 120913,	and Accoming.	Accounting of original successor
011614, 013014	HISTORY:	trustee filed 2-21-14 is set for hearing on 4-10-14.
Aff.Sub.Wit.	<u> </u>	neding on 4-10-14.
Verified	JOSEPH BALAGNO, Beneficiary, filed a Petition	
Inventory	to Remove Trustee, to Appoint Public	
PTC	Administrator as Trustee, and to Compel	
Not.Cred.	Trustee to Account.	
	NICHOLAST KOVACEVICU Timede a Ella d	
Notice of	NICHOLAS T. KOVACEVICH, Trustee, filed a	
Hrg	Declaration on 8-8-13 (prior to Settlement Conference) indicating information provided	
Aff.Mail	to Petitioner's attorney.	
Aff.Pub.	e i cilionor s arrotticy.	
Sp.Ntc.	Minute Order 9-9-13: The Court is informed	
Pers.Serv.	that Mr. Kovacevich has agreed to step	
Conf.	down. The Court grants the petition and	
Screen	appoints the Public Administrator as the	
Letters	personal representative. The Court directs	
Duties/Supp	that any fees come before the court. Parties	
Objections	stipulate to having the minute order become	
Video	the order of the court. Set on 12-9-13 for status hearing re assets and accounting.	
Receipt	rieding re assets and accounting.	
CI Report	On 11-1-13, Attorney David Paul Gromis,	
9202	Attorney for former trustee Nicholas	
Order	Kovacevich, filed a Petition for Payment of	
Aff. Posting	Attorney's Fees and Payment for Trustee's	Reviewed by: skc
Status Rpt	Fees that is set for hearing on 12-19-13. The	Reviewed on: 2-24-14
UCCJEA	petition requests payment of \$5,976.00 from	Updates:
Citation	the trust estate to the attorney and \$16,452.00	Recommendation:
FTB Notice	from the trust estate to Nick Kovacevih, CPA, for services as successor trustee.	File 5A – Balagno
	101 301 VICO3 Q3 30CCG3301 110316G.	_
	In addition, on 11-18-13, Joseph Balagno,	
	Linda Balagno, and Lori Jo Brown filed a	
	Petition for Court Order to Determine Title and	
	Require Transfer of Personal Property to	
	Petitioner that is set for hearing on 1-16-14.	
		F A

5B Dale W. Balagno Revocable Trust

Case No. 13CEPR00389

Atty Armo, Lance E. (for Joseph Balagno – Beneficiary)

Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)

Atty Kruthers, Heather (for Public Administrator)

Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

Petition for Payment of Attorney's Fees and Payment for Trustee's Fees

Petition for Payment of Attorney's Fees and Payment for Trustee's Fees				
Dale W. Bala		NICHOLAS KOVACEVICH, Successor Trustee, is	NEEDS/PROBLEMS/COMMENTS:	
DOD: 3-16-13	3	Petitioner.	Examiner's Note: On 9-9-13, per	
		Petitioner states:	Corrected Minute Order, Mr. Kovacevich agreed to step down	
		 Dale W. Balagno died on 3-16-13. The trust 	and the Court directed that any	
Cont. from 011614		provides names Petitioner as first	fees come before the Court.	
Aff.Sub.\		successor trustee.	Accordingly, this petition was filed on 11-1-13.	
	WIT.	On 4-23-13, Petitioner provided	This petition requests attorney and	
✓ Verified		information on the trust estate to his	trustee fees totaling \$22,428.00.	
Inventor PTC	У	attorney, David Gromis.	However, at this point, the value of	
Not.Cred	4	On 9-9-13, Petitioner agreed to allow the	the trust/assets has not been provided to the Court so Examiner	
✓ Notice of		Public Administrator to become the	does not have a basis for review	
✓ Aff.Mail	or mg ∨	Tructoo	other than hourly rates and services.	
Aff.Pub.		Attorney: \$5,976.00	Examiner notes that the original	
Sp.Ntc.		Exhibit A is a schedule of the attorney's billing	petition of Joseph Balagno	
Pers.Serv	v.	in this proceeding from 4-23-13 through 9-9-	alleged inappropriate	
Conf. Sc		13. All services were reasonable and	conveyance of trust assets and also alleged that Mr. Kovacevich	
Letters		necessary in representing Mr. Kovacevich.	has refused to provide a list of	
Duties/S	upp	= 24.9 hours @ \$240/hr.	assets. The Court granted that petition on 9-9-13, that petition	
Objection		Successor Trustee: \$16,452.00	was granted and Mr. Kovacevich	
Video		Exhibit B is a schedule of the successor	stepped down, and the Court set	
Receipt		trustee's services provided to the estate from	status hearing on 12-9-13 regarding Assets and Accounting.	
CI Repo	rt	3-19-13 through 9-9-13. All services were	This petition for fees was filed and	
9202		reasonable and necessary in his role as	has been continued to this date;	
Order	Х	successor trustee. 91.4 hours @ \$180/hr.	however, no accounting or declaration regarding trust assets	
		Petitioner requests an order:	had been provided to the Court.	
		Directing the Public Guardian to pay David Baul Cromis, Attornov at Law the	<u>Update</u> : Accounting filed 2-21-14	
		David Paul Gromis, Attorney at Law, the sum of \$5,976.00 from the trust estate for	is set for hearing on 4-10-14.	
1		legal services rendered to Nick		
Aff. Post		Kovacevich while he was acting as	Reviewed by: skc	
Status R		trustee for the D.W. Balagno Trust dated 3-	Reviewed on: 2-24-14	
UCCJEA Citation		- 6-13;	Updates: Recommendation:	
FTB Notice		2. Directing the Public Guardian to pay Nick	File 5B - Balagno	
		Kovacevich, CPA, the sum of \$16,452.00		
		for time spent and for services rendered		
		to the D.W. Balagno Trust dated 3-6-13 as		
		the successor trustee; and		
		3. For such other relief as the Court deems		
		just and proper.		
			5B	

Atty Wright, Judith A., of Wright & Wright (for Petitioner Monika Smith)

Petition for Letters of Administration (Prob. C. 8002, 10450)

DOD: 6/19/2012		NEEDS/PROBLEMS/COMMENTS:
		CONTINUED TO 3/27/2014
Cont. from		Per Attorney request
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order	_	Parismed hur LCC
Aff. Posting		Reviewed by: LEG
Status Rpt	_	Reviewed on: 2/24/14
UCCJEA Citation	_	Updates: Recommendation:
- 		
FTB Notice		File 9 – Smith

Attv Atty Kruthers, Heather (for Public Administrator)

Canada, Richard Allen (Pro Per – Son – Former Administrator)

Probate Status Hearing Re: Failure to File a First Account or Petition for Final

Distribution [Prob. C. 12200, et seq.]

DO	DOD: 12-1-02		
	nt from 04121	3,	
	2113, 092013,		
120	0613		
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of		
\vdash	Hrg		
$\models \dashv$	Aff.Mail		
\vdash	Aff.Pub.		
\vdash	Sp.Ntc. Pers.Serv.		
\vdash	Conf.		
	Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video		
	Receipt		
	CI Report		
	9202		
	Order		
	A 66 D		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
\vdash	Citation FTB Notice		
	I ID NOIICE		

RICHARD ALLEN CANADA, Son, was appointed Administrator with Full IAEA with bond of \$17,000.00 on 5-4-04.

Bond of \$17,000.00 was filed and Letters issued on 5-7-04.

Inventory and Appraisal filed 7-6-04 indicates a total estate value of \$90,000.00 consisting of real property located at 2365 South Lily in Fresno.

On 2-25-13, Attorney C. Michael Farmer filed a Notice of Change of Address, which prompted review of the status of this case.

On 3-1-13, the Court set status hearing for 4-12-13 for failure to file a first account or petition for final distribution.

The matter was continued to 6-21-13. On that date, there were no appearances. The Court removed Mr. Canada and appointed the FRESNO COUNTY PUBLIC ADMINISTRATOR.

Status Report filed 9-9-13 states the Public Administrator has attempted to contact the former administrator by contacting his daughter and the attorney; however, has not been able to make contact. The former administrator's former attorney, C. Michael Farmer, reported that the former administrator may have distributed the proceeds from the sale of the house, the only asset, to him and his sister. If so, the surviving spouse did not receive her 1/3 share, and none of the several creditors were paid. The Public Administrator will continue to attempt to find the former administrator, and requests the Court set an Order to Show Cause requiring Mr. Canada to personally appear, and that this matter be set out for at least 60 days to allow time to investigate.

NEEDS/PROBLEMS/COMMENTS:

Minute Order 4-12-13: Counsel informs the Court that Mr. Canada has agreed to work with him with respect to this matter.

Minute Order 6-21-13: No appearances. The Court removes Richard Canada as the administrator and appoints the Public Administrator as the personal representative. Continued to 9-20-13.

Minute Order 9-20-13: Ms. Kruthers informs the Court that she will be filing a petition for surcharge and will provide notice to the bonding company at that time. The Court sets the matter for an Order to Show Cause on 12/6/13 regarding failure to appear and imposition of sanctions in the amount of \$500.00 as to Richard Canada. Richard Canada is ordered to be personally present on 12/6/13. Continued to: 12/6/13 at 09:00a.m. in Dept 303. Set on: 12/6/13 at 09:00a.m. in Dept 303 for: Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00

Minute Order 12-6-13: Continued to 2-27-14

- 1. Need first account or petition for final distribution or current status report.
- 2. Need proof of service of Notice of Hearing with a copy of the status report on parties that have requested special notice pursuant to Probate Code §1252.

Note: The file indicates that the decedent left a spouse who relocated to Lapu Lapu City, Philippines, after the decedent's death, and two adult children, including the Administrator, who reside in Fresno.

Note: There have been numerous creditor's claims filed in this estate totaling \$11,748.70.

Reviewed by: skc

Reviewed on: 2-24-14

Updates:

Recommendation:

File 11A - Canada

11A

Atty Atty

Kruthers, Heather (for Public Administrator)
Canada, Richard Allen (Pro Per – Son – Former Administrator)

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00 (As to Richard Canada)

	RICHARD ALLEN CANADA, Son, was	NEEDS/PROBLEMS/COMMENTS:
	appointed Administrator with Full IAEA with bond of \$17,000.00 on 5-4-04 .	Continued from 12-6-13
Cont. from 120613	Bond of \$17,000.00 was filed and Letters issued on 5-7-04.	
Aff.Sub.Wit.	Inventory and Appraisal filed 7-6-04	
Verified	indicates a total estate value of	
Inventory	\$90,000.00 consisting of real property located at 2365 South Lily in Fresno.	
PTC	localed at 2363 south Lily III Flesho.	
Not.Cred.	On 2-25-13, Attorney C. Michael Farmer	
Notice of Hrg	filed a Notice of Change of Address, which prompted review of the status of	
Aff.Mail	this case.	
Aff.Pub.	On 3-1-13, the Court set status hearing	
Sp.Ntc.	for 4-12-13 for failure to file a first account or petition for final distribution.	
Pers.Serv.	account of permontor linar distribution.	
Conf.	The matter was continued to 6-21-13.	
Screen	On that date, there were no appearances. The Court removed Mr.	
Letters	Canada and appointed the FRESNO	
Duties/Supp	COUNTY PUBLIC ADMINISTRATOR.	
Objections	At continued status hearing on 9-20-13,	
Video Receipt	the Court set this Order to Show Cause	
CI Report	Re: Failure to Appear, Imposition of	
9202	Sanctions Richard Canada was ordered	
Order	to be personally present.	
Aff. Posting	Notice was mailed to Mr. Canada, Ms.	Reviewed by: skc
Status Rpt	Kruthers, and the surety.	Reviewed on: 2-24-14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11B - Canada

11B